

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Colorado (Mr. HICKENLOOPER) and the Senator from New Hampshire (Mrs. SHAHEEN) are necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Texas (Mr. CRUZ).

The result was announced—yeas 70, nays 27, as follows:

[Rollcall Vote No. 389 Ex.]

#### YEAS—70

Baldwin	Graham	Risch
Bennet	Grassley	Romney
Blackburn	Hassan	Rosen
Blumenthal	Heinrich	Rounds
Blunt	Hirono	Sanders
Booker	Kaine	Sasse
Boozman	Kelly	Schatz
Brown	King	Schumer
Burr	Klobuchar	Sinema
Cantwell	Leahy	Smith
Capito	Lujan	Stabenow
Cardin	Manchin	Tester
Carper	Markey	Thune
Casey	McConnell	Tillis
Collins	Menendez	Van Hollen
Coons	Merkley	Warner
Cornyn	Murkowski	Warnock
Cortez Masto	Murphy	Warren
Cramer	Murray	Whitehouse
Crapo	Ossoff	Wicker
Duckworth	Padilla	Wyden
Durbin	Peters	Young
Feinstein	Portman	
Gillibrand	Reed	

#### NAYS—27

Barrasso	Hoehn	Moran
Braun	Hyde-Smith	Paul
Cassidy	Inhofe	Rubio
Cotton	Johnson	Scott (FL)
Daines	Kennedy	Scott (SC)
Ernst	Lankford	Shelby
Fischer	Lee	Sullivan
Hagerty	Lummis	Toomey
Hawley	Marshall	Tuberville

#### NOT VOTING—3

Cruz	Hickenlooper	Shaheen
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The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCOTT of South Carolina. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNANIMOUS CONSENT AGREEMENT

Mr. SCOTT of South Carolina. Mr. President, I ask unanimous consent to modify the previous order so that the Senate remains in executive session until 5 p.m., with all provisions under the previous order remaining in effect.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### CHARTER SCHOOLS

Mr. SCOTT of South Carolina. Mr. President, tomorrow, we will have an

opportunity to vote for students. Tomorrow, we will have an opportunity to vote for parents. Tomorrow, we will have the opportunity to vote for common sense in the U.S. Senate. Tomorrow, we will have an opportunity to vote for my resolution to stop the Biden Department of Education from destroying educational opportunities for millions of students and their parents.

During the pandemic, we saw the devastating impact of prolonged school closures on America's kids, especially kids living in low-income communities.

Big labor unions orchestrated these shutdowns, and blue city politicians fell in lockstep. They sided with union bosses over parents, over kids, and over plain old common sense.

Now we see the tragic consequences. The 2022 NAEP scorecard shows the largest drop in reading scores for 9-year-olds in more than 30 years and the first-ever—the first-ever—drop in math scores, a 7-percent decrease.

We warned them that this would happen. We said stop, stop letting labor bosses make decisions. Parents—parents—are the ones who know what is best for their kids. They need flexibility. They deserve choice.

One of those options should always be high-quality public charter schools. These charter schools continue to outkick their coverage. This year, charter schools only represent 12 percent—12 percent—of all public high schools, but they make up 22 percent of the top 100 public high schools in our amazing country. That is nearly one out of four amazing public schools is a charter school, even though only 12 percent of all schools, all high schools, are charter schools.

Think about this. In Colorado, 85 percent of charter school students met performance standards compared to only 66 percent of students in district-managed schools.

Despite their proven track record of success for students, for parents, and, of course, for common sense, the Biden administration continues to attack charter schools. He campaigned against them. And then as soon as he got in office, he directed the bureaucrats at the DOE—the Department of Education—to put new restrictions on charter schools desperately, desperately looking for funding. These restrictions are a slap in the face to parents who are turning to charter schools as a better alternative for their children.

Since the pandemic, charter schools have gained 7 percent—7 percent; that is, 240,000 more students have chosen charter schools because their parents are able to access common sense for their kids' education path. That means hundreds of thousand of students are better off today than they were before they had this option.

These are kids growing up in some of America's most devastated communities, some of America's poorest communities, some of America's most disadvantaged communities.

This is a game changer, not just for the students while they are enrolled in these schools, but this is a game changer for the rest of their lives. This is a game changer for them economically. This is the fastest path to the American dream, what we all hope to achieve one day. This is the game changer that we so often talk about.

We have seen the success of providing parents with more options right here in Washington, DC, since the creation of the bipartisan—and let me say that word one more time because sometimes here in Washington, we don't think anything happens in a bipartisan fashion. But the DC Opportunity Scholarship is a bipartisan coalition of Senators and Congress members who came together to make sure that DC kids, since 2004, have had opportunity for quality education through charter schools. Yes, 11,000 students, by the way—not 500, not 2,000, 11,000 students—from low-income families here in DC were able to receive scholarships to attend the school of their choice, scholarships that were provided by Republicans and Democrats in Congresses since 2004.

There is good news, by the way. The good news is that these students attending these remarkable public charter schools graduate 91 percent of the time—91 percent of the time. Compare that to students in the DC area who do not attend a public charter school who are in the public school system; they graduate only two out of three times, 66 percent. Wow.

I can't imagine a world where my friends across the aisle who stood with me to protect DC Opportunity Scholarships would not stand with us today to protect more education options for kids all across America.

By voting for the administration's restrictions, my friends across the aisle are telling these hard-working parents that labor union bosses and bureaucrats know what is best for their kids better than the parents themselves. That is plain wrong.

Here is what I know: The greatest difference between the haves and the have-nots, it is not the color of your skin, it is not the neighborhood you live in, it is not the income of your parents, the biggest difference between the haves and the have-nots in our country will not be solved by playing politics and putting labor unions in front of your kids. The way that we close that gap, the biggest difference between the two sides—the haves and have-nots—my friend from Indiana, is education, quality education. It changes lives. It sets poor kids on the right path.

I want to do for the kids today what was done for me when I was a kid. I want to make sure that everybody understands that education is the closest thing to magic in America, and I do mean a good education.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.